



Attorney Docket No.: P-3558-US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): WHITT, Michael A. et al. Examiner: Maria Marvich  
Serial No.: 10/656,894 Group Art Unit: 1642  
Filed: September 8, 2003  
Title: RECOMBINANT MUTANTS OF RHABDOVIRUS AND METHODS OF  
USE THEREOF

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**SUPPLEMENTARY RESPONSE TO ELECTION REQUIREMENT**

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Madam:

This Response is filed in response to the Election Requirement dated July 27, 2006 issued by the United States Patent and Trademark Office in connection with the above-identified Application. A Response to the July 27, 2006 Office Action is due August 27, 2006. Accordingly, this Response is being timely filed.

Applicants elect a mutation encoding for a methionine substitution at position 33 with traverse.

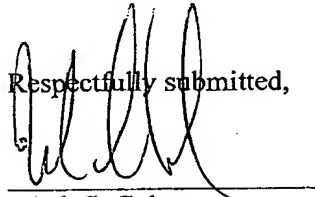
Applicants maintain that it is not an undue burden for the Examiner to search a recombinant non-cytopathic Rhabdovirus with a methionine substitution at position 33 or 51 in the region encoding a matrix protein. Applicants demonstrated that both positions are important in M protein-induced cytopathic effects (page 53, paragraph 222).

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If the Examiner has any questions or comments as to this response, the undersigned may be contacted at the address and telephone number below.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,



Mark S. Cohen  
Attorney/Agent for Applicant(s)  
Registration No. 42,425

Dated: August 7, 2006

**Pearl Cohen Zedek Latzer, LLP**  
1500 Broadway, 12th Floor  
New York, New York 10036  
Tel: (646) 878-0800  
Fax: (646) 878-0801



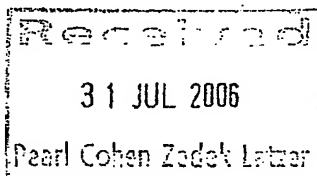
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/656,894	09/08/2003	Michael A. Whitt	P-3558-US	1535

49443 7590 07/27/2006

PEARL COHEN ZEDEK, LLP  
1500 BROADWAY 12TH FLOOR  
NEW YORK, NY 10036



EXAMINER

MARVICH, MARIA

ART UNIT PAPER NUMBER

1633

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/656,894

EXAMINER

ART UNIT	PAPER
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1633

20060719

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

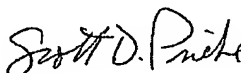
Commissioner for Patents

Notice of Non-Responsive Amendment

The communication filed on 5/4/06 is not fully responsive to the Office communication mailed on 4/5/06. To be completely responsive to the restriction requirement mailed 4/5/06, applicants should have selected a single mutation from the group of 1) an alanine residue for a methionine residue at either position 33 or 2) position 51 or 3) a serine for a glycine at position 226. Applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to submit an amendment in compliance with 37 CFR 1.121, effective, March 21, 2001, in order to avoid abandonment.

EXTENSIONS OF THIS TIME MAY BE GRANTED UNDER 37 CFR 1.136(a).

Maria B Marvich,  
PhD ExaminerArt  
Unit 1636  
Remson 2B84  
571-272-0774

  
SCOTT D. PRIEBE, PH.D  
PRIMARY EXAMINER